

REMARKS/ARGUMENTS

This Amendment is submitted for the purpose of creating an RCE Application in response to the Final Action taken on January 30, 2009 respecting the above-identified U.S. Patent Application.

In the January Action, the Examiner rejected claims 1, 2, 4, 5, 7, 13 and 15 as being anticipated by U.S. Patent Application Publication No. 2003/0048473 to Rosen, and rejected claims 3, 6 and 14 as being unpatentable over Rosen. This Rosen reference is newly cited and applied in the prosecution of the present application

In the Examiner's comments in that Action, he acknowledged that applicant's last response in the prosecution of this application successfully overcame the then, previously cited and applied prior art references. In this context, the Examiner made the statement that the present Final Action, with a new reference cited and applied, was *necessitated* by revisions that had been just previously made by applicant in his claims.

With respect to this "necessitated" statement of the Examiner, applicant strongly and categorically disagrees. Stated succinctly, no change was made in applicant's claims in the last Amendment which necessitated anything in the way of a new search by the Examiner. *Every key, foundation concept which is currently (before entry of the instant RCE Amendment) presented in applicant's claims was expressed in those claims at the time that the Examiner entered the last, previous Office Action -- namely the concepts (a) of a single-event delivery of an imaging-device driver and relevant configuration information from an imaging device to a client device, (b) of embedment of that driver and information within the firmware in an*

imaging device, and (c) of direct transference of this information between such two devices (imaging and client). Rather, it appears as if the current Final Action may have been triggered by the Examiner's determination that his search activity up to that point time may not adequately have reviewed the available prior art.

Notwithstanding this appearance, and applicant's related belief, that the currently cited and applied Rosen reference should have been presented for consideration much earlier in the prosecution of this case, applicant welcomes the opportunity now to address the teachings and suggestions of this newly surfaced reference, and does so herein by proposing certain current amendments in the remaining independent claim, claim 1, which emphasize an important distinguishing feature of applicant's invention. More specifically, applicant's invention involves structure, and a methodology, with respect to which, within the firmware of an imaging device, there are embedded *plural drivers*, and *plural, respectively associated, paired collections of configuration information*, which are specifically designed for operational compatibility, as appropriate, with different client devices that are characterized with different operating systems, as discussed in the supporting specification. In other words, each imaging-device embedded driver and paired, associated collection of configuration information are specific to a particular client-device operating system. These paired pieces of information are referred to now simply herein as associated driver/configuration-information "pairs", and the opening paragraph in the specification has been amended herein to introduce the "associated pair" foundational language.

Nothing like this is disclosed or suggested in the Rosen reference, wherein *only a single driver (alone)* is transferred from an imaging device to a client device. *No mention is made*

of related configuration information. The specification text and drawing content in the Rosen reference (see Paragraph [0033], and Fig. 4) make it very clear that if an attempt to transfer to a client device *the single driver* (and there is *no other option*) which is contained in an imaging device is rejected by the client device -- most certainly, or at least likely, for the reason that the proffered driver is incompatible with the operating system in that client device -- *the client device looks to another source for an appropriate driver to install.* In other words, in accordance with the structure and the practice of the subject matter of the Rosen reference, an imaging device in that "world" contains only a single driver relevant to it and to a particular, single, recipient-device operating system, and is not prepared under any circumstance to present any one of several, different driver versions, along with related configuration information, to accommodate different recipients employing different specific operating systems.

Accordingly, independent claim 1 in the present Application has been currently amended to bring out and emphasize this distinguishing feature, i.e., imaging-device embedment of plural different drivers and associated, paired, different collections of configuration information, with the driver and configuration-information included in each pair being designed to be compatible with a given, singular, different, particular client-device operating system.

Thus, and looking collectively at changes proposed by the present Amendment in the claims herein, claims 1 and 2 stand as a currently amended claims, claims 3 and 4 remain as original claims, claim 5 stands as a previously presented claim, claims 6 and 7 also remain as original claims, and claims 8-17, inclusive, have been canceled without prejudice. All of the new emphases now present in currently amended claims 1 and 2 carry through into all of the other,

ultimately dependent claims (3-7, inclusive).

No new matter has been introduced by this Amendment.

For the reasons stated above, with entry of the present RCE Amendment, all claims then presented in this patent application are clearly distinguishable over anything shown or suggested by the now singly cited and applied Rosen reference, and are therefore patentable. Accordingly, favorable reconsideration of these claims, and early allowance thereof, are respectfully solicited. If the Examiner has any questions regarding the amendment or remarks, the Examiner is invited to contact Attorney-of-Record Jon M. Dickinson, Esq., at 503-504-2271.

Provisional Request for Extension of time in Which to Respond

Should this response be deemed to be untimely, Applicants hereby request an extension of time under 37 C.F.R. § 1.136. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any over-payment to Account No. 22-0258.

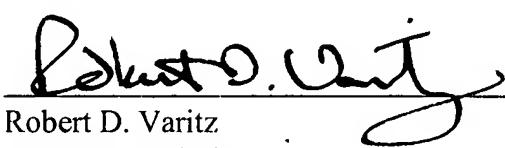
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Respectfully Submitted,

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ROBERT D. VARITZ, P.C.

Registration No: 31436
Telephone: 503-720-1983
Facsimile: 503-233-7730



Robert D. Varitz
4915 S.E. 33d Place
Portland, Oregon 97202



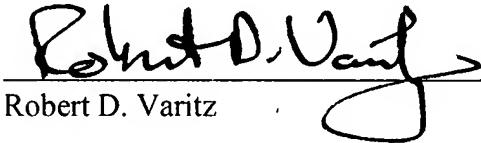
CERTIFICATE OF EXPRESS MAILING

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I hereby certify that the attached PRELIMINARY AMENDMENT IN SUPPORT OF RCE UNDER 37 C.F.R. § 1.114, a RCE and a PTO-2038 credit card authorization form in the amount of \$810.00 and Change of Correspondence Address/Customer Number are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to:

MS RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Robert D. Varitz